

Federal Caregiver Background Check Pilot Program Applicant Fact Sheet

This is an overview of Wisconsin's Federal Caregiver Background Check Pilot Program. Please read this information carefully. If you need more information, contact telephone numbers and addresses are located at the end of this fact sheet.

The Federal Caregiver Background Check Pilot Program, with strong support from Senator Herb Kohl, was included in the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003.

A pilot program is like an experiment. Wisconsin is one of seven states participating in this federal pilot to identify the best process for conducting fingerprint-based background checks. Currently, health care providers run a state criminal history background check using a caregiver's name. This pilot requires certain health care providers to run both a state and national criminal history background check using the caregiver's fingerprints.

What Does the Pilot Require?

As part of the pilot, all newly-hired caregivers must go through an expanded background check process. The process includes the following steps:

1. Caregiver completes the form HFS-64 Background Information Disclosure (BID)
2. Employer checks free registries to see if caregiver has any findings or convictions for caregiver misconduct, including:
 - a. Wisconsin Caregiver Misconduct Registry;
 - b. Office of Inspector General (OIG) Exclusion List; and
 - c. Other state misconduct registries, if appropriate.
3. Employer completes name-based Caregiver Background Check, which includes:
 - a. Response from the Department of Justice Wisconsin Criminal History Record Request name search; and
 - b. A letter from the Department of Health and Family Services that reports the status of a caregiver's administrative findings or licensing restrictions.
4. Employer makes arrangements for the caregiver to be fingerprinted. Caregiver signs Authorization for Release of Federal Bureau of Investigation (FBI) Information.
5. Caregiver attends fingerprint appointment.
6. Fingerprints are checked against Wisconsin's criminal records and FBI criminal records and are sent back to the employer.
7. Employer makes final hiring decision.

When and Where Does the Pilot Go into Effect?

The pilot affects the following counties:

- Dane County: March 1, 2006 – September 30, 2007
- Kenosha County: March 1, 2006 – September 30, 2007
- La Crosse County: February 1, 2006 – September 30, 2007
- Shawano County: March 1, 2006 – September 30, 2007

Caregivers who work in other counties are not required to go through a fingerprint-based background check prior to hire.

Who Is a Newly Hired Caregiver?

The pilot affects all newly hired caregivers in the four pilot counties hired during the pilot time frame. A caregiver is a person who is **all** of the following:

- Is employed by, or under, contract with an entity;
- Has regular, direct contact with the entity's clients or the personal property of the clients; and
- Is under the entity's control.

The definition of a caregiver may include employees such as certified nursing assistants, personal care workers, maintenance workers, nurses, doctors, administrators, etc. Caregivers employed by the provider before the pilot start date are not required to go through the fingerprinting process.

Which Providers Are Included?

The pilot affects all of the following provider types with hiring offices in the pilot counties:

- Community Based Residential Facilities with nine beds and up;
- Facilities for People with Developmental Disabilities/Intermediate Care Facilities for People with Mental Retardation;
- Home Health Agencies;
- Hospices;
- Long-term Care (Swing Bed) Hospitals;
- Medicaid-funded Personal Care Worker Agencies; and
- Nursing Homes.

What Offenses Prohibit Me from Working as a Caregiver?

Caregivers with convictions of serious crimes or a history of improper behavior may not work for health care providers regulated by the Department of Health and Family Services, unless the caregiver is approved through the Rehabilitation Review process. A list of those serious offenses can be found at: <http://dhfs.wisconsin.gov/caregiver/fedBCpilot.htm>.

An employer may also refuse to hire a person convicted of crimes that are not on the list. This may happen when the employer believes that the conviction is related to the duties of the job.

What Is a Rehabilitation Review?

If you have been convicted of a serious crime or have a finding entered on the Caregiver Misconduct Registry, you may request a Rehabilitation Review to give evidence that you are not likely to repeat the behavior that led to your conviction or finding.

A Rehabilitation Review panel reviews your application and other personal and professional information. You are encouraged to meet with the panel to answer any questions. The panel issues a decision based on the evidence of your ability to safely work in state regulated facilities. For purposes of the pilot, personal care workers may also participate in the rehabilitation review process. For more information about this process, see the contact information at the end of this fact sheet.

Do I Have to Pay for the Background Check?

In most cases, the employer pays for the name-based caregiver background check, and the state pays the fingerprint process fees.

Do I Have to Go to the Police Department to Get Fingerprinted?

No. This method of fingerprinting does not use ink or paper and is not done at the police department. Fingerprints are scanned electronically by either the Wisconsin Division of Gaming or Promissor. Your employer will direct you to the closest fingerprint scanning location.

How Long Does the Fingerprint Process Take?

The appointment takes about 20 minutes. Because your prints are being electronically scanned, the fingerprint technician does not roll your fingers in ink.

You fill out a fingerprint registration form with information such as your address, date of birth, height, weight, etc. You must bring this registration form to your fingerprint appointment. You must also bring a government-issued **photo** identification card such as a driver's license, a state identification card, a military photo identification card, or a passport. **You cannot be fingerprinted without your registration form and a government-issued photo identification card.**

Once your fingerprints are submitted to the Department of Justice, the results should take one to two business days to process. Results are sent directly to your employer.

Can I Work Before My Background Check Results Are Back?

If your Background Information Disclosure (BID) form is clean, the employer may provisionally hire you for up to 60 days while the full background check process is completed. A "clean" BID is one with no convictions of a crime that require a Rehabilitation Review, and no license limitations or findings by a governmental agency of abuse, neglect, or misappropriation.

What Happens to My Fingerprints?

The FBI and the Wisconsin Department of Justice do not keep copies of caregiver fingerprints. Your employer never gets a copy of your fingerprints. **Your fingerprints are only used to search the state and national criminal history systems. Once the search is completed, the fingerprints are deleted from each system.**

Who Gets a Copy of My Background Check Results?

Background Check results are sent directly to your employer. Copies of background check results are not sent to the Department of Health and Family Services. You may request a copy of the complete background check results from your employer.

Name-based background checks (the existing Caregiver Background Checks) are public records and may be shared with other employers. However, employers may not share fingerprint-based background check information obtained from the FBI with anyone. Only you may request and receive a copy of your own FBI criminal history.

I Just Got Fingerprinted. Why Do I Have to Do It Again?

The pilot requires a new background check for each new hire. Each time you apply for a job during the pilot period, you must complete a new background check. New checks are required, because your criminal history can change over time. In the time between the last background check and the new background check, a caregiver may be arrested or convicted of a crime. In addition, employers are not allowed to share FBI results with each other.

What Happens After September 30, 2007?

The pilot ends on September 30, 2007. After that date, health care providers included in the pilot will return to their existing background check process.

Contact Information

Questions about the Caregiver Background Pilot or about the existing Caregiver Background Program.

Office of Caregiver Quality (OCQ)

Bureau of Quality Assurance
2917 International Lane, Suite 300
Madison, WI 53704
Phone: 608-243-2019
FAX: 608-243-2020
e-mail: Caregiver_Pilot@dhfs.state.wi.us

Questions about the Rehabilitation Review process.

Office of Legal Counsel

Phone: 608-266-8428
e-mail: REhabRC@dhfs.state.wi.us

Other Questions.

See our website:

<http://dhfs.wisconsin.gov/caregiver/fedBCpilot.htm>